

EXHIBIT B

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14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**
18

19 MONITA SHARMA and ERIC
20 ANDERSON, on behalf of themselves
21 and all others similarly situated,

22 Plaintiffs,

23 v.

24 BMW OF NORTH AMERICA, LLC, a
25 Delaware Limited Liability Company,

26 Defendant.

Case No. 3:13-cv-02274-MMC

**PLAINTIFFS' FIRST SET OF
INTERROGATORIES TO DEFENDANT
BMW OF NORTH AMERICA, LLC**

27 Pursuant to Federal Rule of Civil Procedure 33, Plaintiffs Monita Sharma and Eric
28 Anderson ("Plaintiffs") hereby serve the following interrogatories to Defendant BMW of North
America, LLC ("BMW NA" or "Defendant"). Plaintiffs request that they be fully answered in
writing and under oath within 30 days of service.

INSTRUCTIONS

1. These interrogatories are to be answered separately and fully, in writing, within the

1 constitutional provisions because it seeks to impose an excessive fine on BMW NA, is penal in
2 nature, and seeks to punish BMW NA based upon unconstitutionally vague standards as applied
3 to the conduct in this case.”

4 3. Provide all facts which support your contention in your Thirteenth Affirmative
5 Defense that “Plaintiffs’ claims and those of the putative class are barred by the doctrines of
6 unclean hands, waiver and/or estoppel.”

7 4. Please state the total number of Class Vehicles sold or leased by You or Your
8 authorized retailers in the State of California. Please list the total number by year and by model
9 number.

10 5. Please state the actual or suggested retail price of the Class Vehicles sold by You
11 or Your authorized dealers in the United States. For purposes of this answer it is acceptable to
12 respond with price per model number, brand and/or product family and the number of each
13 model, brand, and/or product family sold in each year in the United States.

14 6. Explain whether BMW NA considered moisture build-up or water ingress when
15 choosing to place the Electronic Component Parts where it did in the Class Vehicles.

16 7. The date on which You first became aware that the Electronic Component Parts in
17 Class Vehicles could become subjected to water ingress, as described by Your Service Bulletin SI
18 B61 13 06, and all actions taken in response to that knowledge.

19 8. Identify the author(s), contributing author(s), draftspersons, or any other person
20 who participated in the creation of technical service bulletin SI B 61 13 06 and any versions
21 thereof.

22 9. The number of reports, claims, inquiries or complaints of any kind that BMW NA
23 or its Warranty Providers, Authorized Service Persons, or BMW dealerships have received or
24 been made aware of that relate to the Electronic Component Parts, or any component part thereof,
25 and/or the failure or compromised nature of the Electronic Component Parts when they are
26 exposed to moisture. For example, this interrogatory requests, but is not limited to the number of
27 each of the following types of claims, reports, inquiries or customer communications:

28 a. Warranty claims;

- b. Extended warranty claims;
- c. Claims for good will (*i.e.* out of warranty) services that were requested;
- d. Claims for good will services that were provided;
- e. Field, zone, or similar adjustments and reimbursements;
- f. Warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.
- g. Customer calls; and/or
- h. Lawsuits.

10. Identify the entity or entities, department(s), and individual(s) responsible for tracking and maintaining records of customer complaints, customer inquiries, customer service calls, customer service records, and dealer repair records regarding the Class Vehicles and the methods by which this information was tracked and distributed to any BMW NA engineers or other employees responsible for quality control over the Class Vehicles.

11. Please identify the entity or entities, department(s) and individuals responsible for the marketing of the Class Vehicles. Specify those persons responsible for the content of BMW marketing materials regarding the Class Vehicles made available to the public through authorized BMW dealers and BMW websites or other media such as television, radio, internet or print advertisements from 1998 to present.

12. Identify where in the owner's manuals that come with the Class Vehicles BMW NA describes the proper maintenance of the Drainage Tubes.

13. For the years 1998 to the present, please identify the person(s), division(s), unit(s), and group(s) at BMW NA that are responsible for interacting with NHTSA regarding the Class Vehicles, reviewing and responding to NHTSA complaints, communicating directly with NHTSA and transmitting information obtained from NHTSA or communicated to NHTSA.

14. Describe the methods by which BMW NA monitors or tracks and responds to complaints, problems, customer calls, or reported customer experiences regarding the Class Vehicles—including a description of any analysis or monitoring of trends or patterns in complaints, problems, customer calls or customer experiences—and specify any processes or

1 procedures used by BMW NA to investigate or follow-up on such complaints, problems,
2 customer calls, or reported customer experiences, along with the identities of the persons who
3 have carried out such monitoring, tracking and responses since 1998 and a description of how
4 long such processes or procedures have been in place.

5 15. Please identify the entities, departments, and individuals responsible for
6 overseeing the service of Class Vehicles and identify any service bulletins, warnings, or other
7 communications regarding repairs or replacements of the Electronic Component Parts for any of
8 the Class Vehicles.

9 16. Identify the department(s), entity or entities, or individual(s) responsible for
10 deciding or determining that the Electronic Component Parts should be moved in certain models
11 of Class Vehicles (as shown in Pltfs_000111), the basis for doing so, and the cost of doing so for
12 each model of Class Vehicle.

13 17. State whether it is Your contention that the Electronic Component Parts in
14 Plaintiffs' BMW vehicles failed or malfunctioned (as alleged in the Complaint) due to his or her
15 own actions. If that is Your contention, please state each and every fact which supports your
16 contention.

17 18. Identify all changes in the design, material composition, or manufacturing process
18 of the Electronic Component Parts in the Class Vehicles (specifically any changes relating to the
19 placement of the Electronic Component Parts or to the compartment within which the Electronic
20 Component Parts sit in the Class Vehicles). For each such change or modification, please provide
21 the following:

- 22 a. The date on which the change was incorporated into vehicle production;
- 23 b. A description of the change or modification;
- 24 c. The reason(s) for the change;
- 25 d. The part numbers (service and engineering) of the original component;
- 26 e. The part number (service and engineering) of the modified component;
- 27 f. Whether the original unmodified component was withdrawn from
28 production and/or sale, and if so, when;

g. When the modified component was made available as a service component; and

h. Whether the modified component can be interchanged with earlier production components.

19. Describe the purpose, function, and location for each of the following Electronic Component Parts in the Class Vehicles. If the purpose, function, location or inclusion differs by model number or model year, please indicate that in Your response.

a. MPM

b. PDC

c. M-ASK

d. CCC

e. CID

f. TCU

g. HiFi LOGIC7 System

h. RDC

i. SDARS

20. Please identify the entities, departments, and individuals responsible for the design, manufacture and testing of the Class Vehicles, and specifically identify all engineers, technical designers, or other members of Your design engineering team who performed work regarding or related to the design of the Electronic Component Parts in the Class Vehicles, including as to the location, specifications, tolerances, durability, components, performance, testing, and any decisions relating to the modification or potential modification of that design.

21. Identify methods and procedures utilized by BMW NA to document, track and respond to reported problems, complaints, concerns, and incidents regarding the Class Vehicles (including complaints or reports to NHTSA), the individuals at BMW NA who received such information, and the information BMW NA received.

22. Describe any engineering analysis or process by which BMW NA, or someone on BMW NA's behalf, evaluated or tracked the failure mode, potential failure mode, occurrence or

1 potential for the Electronic Component Parts to fail, short, corrode, or be compromised by
2 moisture (as alleged in Plaintiffs' Complaint).

3 Dated: March 16, 2015

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